



Entered on Docket  
June 17, 2011

A handwritten signature in black ink, appearing to read "R. B."

Hon. Linda B. Riegle  
United States Bankruptcy Judge

LEWIS AND ROCA LLP  
6 Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
7 Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
8 Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
9 Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

11 *Attorneys for USACM Liquidating Trust*

12 **UNITED STATES BANKRUPTCY COURT**  
13 **DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE  
16 COMPANY,

17 Debtor.

18 Case No. BK-S-06-10725-LBR

19 CHAPTER 11

20 **Order Sustaining Seventh Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Whole or In Part Upon  
Investment In The Marlton Square Loan**

21 Hearing Date: June 14, 2011

Hearing Time: 10:30 a.m.

22 The Court having considered the "Seventh Omnibus Objection Of USACM Trust  
23 To Proofs Of Claim Based In Whole or In Part Upon Investment in The Marlton Square  
24 Loan ("Marlton Square Loan") [DE 8347] (the "Objection"); the Court having heard the  
25 Objection on June 14, 2011; appropriate notice of the Objection having been given; no  
26 response to the Objection having been filed; the Court noting on the record that the  
disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Marlton Square Loan; and  
2 good cause appearing:

3 **IT IS ORDERED** that:

4 1. The Objection [DE 8347] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are disallowed in whole or in part to  
6 the extent those claims are based upon an investment in the Marlton Square Loan.

7  
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9  
10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker  
12 Robert M. Charles, Jr.  
13 John Hinderaker (*pro hac vice*)  
14 3993 Howard Hughes Parkway, Ste. 600  
15 Las Vegas, Nevada 89169-5996  
16 Telephone: (702) 949-8320  
17 Facsimile: (702) 949-8321

18  
19  
20  
21  
22  
23  
24  
25  
26  
Attorneys for USACM Liquidating Trust

## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

This Court has waived the requirement set forth in LR 9021(b)(1).

xxx No party appeared at the hearing or filed an objection to the motion.

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker

Attnorneys for USACM Liquidating Trust

# # #

**USACM Trust  
Marlton Square  
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marlton Square Loan
10725-01964	1/10/2007	Gold Plated LLC	C/O Dwight W Harouff Manager 5680 Ruffian St Las Vegas, NV 89149-1261	1,505,718.54	110,000.00
10725-02162	1/12/2007	Goodwin, Michael John	555 Yellow Pine Rd Reno, NV 89511-3714	1,011,076.40	100,000.00
10725-00868	10/31/2006	Gregory J & Shauna M Walch Family Trst Dtd 11/2/04	C/O Gregory J Walch Trustee 344 Doe Run Cir Henderson, NV 89012-2704	500,000.00	75,000.00
10725-02058	1/11/2007	Harrington, Suze	2131 Connor Park CV Salt Lake City, UT 84109-2468	609,068.50	100,000.00
10725-01573	12/7/2006	Hodes, Gail Living Trust Dtd 9/10/03	C/O Gail R Hodes Trustee 410 Upper Lake Road Lake Sherwood, CA 91361	129,522.00	50,000.00
10725-00806	10/30/2006	John W Brouwers MD SEP IRA	2333 Dolphin Ct Henderson, NV 89074-5320	163,611.11	108,506.96
10725-02124	1/11/2007	Joy Investment Inc A Nevada Corporation	5280 S Eastern Ave., Suite D-3 Las Vegas, NV 89119	1,818,940.00	160,000.00
10725-00893	10/31/2006	Joyce E Smith Trust Dated 11/3/99	C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	853,678.82	134,114.58

**EXHIBIT A**

**USACM Trust  
Marlton Square  
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marlton Square Loan
10725-02325	1/13/2007	Kantor, Dr Gary L	C/O Michael M Schmahl Mcguirewoods LLP 77 W Wacker Dr. Ste 4100 Chicago, IL 60601	Unliquidated	Unliquidated
10725-02312	1/13/2007	Kantor, Lynn M FKA Lynn Maguire	C/O Micahel M Schmahl Mcguirewoods LLP 77 W Wacker Dr. Ste 4100 Chicago, IL 60601	Unliquidated	Unliquidated

**EXHIBIT A**